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# FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	180.00
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**Complete if Known**

Application Number	09/918,875
Filing Date	July 31, 2001
First Named Inventor	Alexander Tormasov
Examiner Name	Bonura, Timothy M.
Art Unit	2114
Attorney Docket No.	2230.0070001/MBR/GSB (as amended)

**METHOD OF PAYMENT (check all that apply)**

- Check  Credit card  Money Order  Other\*\*  None
- \*Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.

Deposit Account Number 19-0036  
 Deposit Account Name Sterne Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
1002 340	2002 170	Design filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
1003 530	2003 265	Plant filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
1004 770	2004 385	Reissue filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
1005 160	2005 80	Provisional filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
<b>SUBTOTAL (1) (\$)</b>			0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
<span style="border: 1px solid black; padding: 2px;"></span>	- 20	- 3	= <span style="border: 1px solid black; padding: 2px;"></span>	X <span style="border: 1px solid black; padding: 2px;"></span>	= <span style="border: 1px solid black; padding: 2px;"></span>
<span style="border: 1px solid black; padding: 2px;"></span>	- 3	-	= <span style="border: 1px solid black; padding: 2px;"></span>	X <span style="border: 1px solid black; padding: 2px;"></span>	= <span style="border: 1px solid black; padding: 2px;"></span>

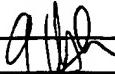
Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		0

\*\* or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	<span style="border: 1px solid black; padding: 2px;"></span>
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	<span style="border: 1px solid black; padding: 2px;"></span>
1053 130	1053 130	Non-English specification	<span style="border: 1px solid black; padding: 2px;"></span>
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	<span style="border: 1px solid black; padding: 2px;"></span>
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	<span style="border: 1px solid black; padding: 2px;"></span>
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	<span style="border: 1px solid black; padding: 2px;"></span>
1251 110	2251 55	Extension for reply within first month	<span style="border: 1px solid black; padding: 2px;"></span>
1252 420	2252 210	Extension for reply within second month	<span style="border: 1px solid black; padding: 2px;"></span>
1253 950	2253 475	Extension for reply within third month	<span style="border: 1px solid black; padding: 2px;"></span>
1254 1,480	2254 740	Extension for reply within fourth month	<span style="border: 1px solid black; padding: 2px;"></span>
1255 2,010	2255 1,005	Extension for reply within fifth month	<span style="border: 1px solid black; padding: 2px;"></span>
1401 330	2401 165	Notice of Appeal	<span style="border: 1px solid black; padding: 2px;"></span>
1402 330	2402 165	Filing a brief in support of an appeal	<span style="border: 1px solid black; padding: 2px;"></span>
1403 290	2403 145	Request for oral hearing	<span style="border: 1px solid black; padding: 2px;"></span>
1451 1,510	1451 1,510	Petition to institute a public use proceeding	<span style="border: 1px solid black; padding: 2px;"></span>
1452 110	2452 55	Petition to revive - unavoidable	<span style="border: 1px solid black; padding: 2px;"></span>
1453 1,330	2453 665	Petition to revive - unintentional	<span style="border: 1px solid black; padding: 2px;"></span>
1501 1,330	2501 665	Utility issue fee (or reissue)	<span style="border: 1px solid black; padding: 2px;"></span>
1502 480	2502 240	Design issue fee	<span style="border: 1px solid black; padding: 2px;"></span>
1503 640	2503 320	Plant issue fee	<span style="border: 1px solid black; padding: 2px;"></span>
1460 130	1460 130	Petitions to the Commissioner	<span style="border: 1px solid black; padding: 2px;"></span>
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	<span style="border: 1px solid black; padding: 2px;"></span>
1806 180	1806 180	Submission of Information Disclosure Stmt	<span style="border: 1px solid black; padding: 2px;"></span>
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	<span style="border: 1px solid black; padding: 2px;"></span>
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	<span style="border: 1px solid black; padding: 2px;"></span>
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	<span style="border: 1px solid black; padding: 2px;"></span>
1801 770	2801 385	Request for Continued Examination (RCE)	<span style="border: 1px solid black; padding: 2px;"></span>
1802 900	1802 900	Request for expedited examination of a design application	<span style="border: 1px solid black; padding: 2px;"></span>
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3) (\$)</b>			180.00

(Complete if applicable)

Name (Print/Type)	George S. Bardmesser	Registration No. (Attorney/Agent)	44.020	Telephone	(202) 371-2600
Signature					
Date	4/22/04				

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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April 22, 2004

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*Art Unit 2114*

Technology Center 2100

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application  
Application No.: 09/918,875; Filed: July 31, 2001  
For: **Fault Tolerant Storage System And Method Using A Network Of Servers (as amended)**  
Inventors: Tomasov *et al.*  
Our Ref: 2230.0070001/MBR/GSB (as amended)

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Information Disclosure Statement;
3. Form PTO-1449 listing two (2) documents;
4. Copies of the two (2) cited documents;
5. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover Information Disclosure Fee; and
6. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
April 22, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



George S. Bardmesser  
Attorney for Applicants  
Registration No. 44,020

MBR/GSB:krh  
Enclosures

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#10  
6-6-14 ed

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Tomasov *et al.*

Appl. No.: 09/918,875

Filed: July 31, 2001

For: **Fault Tolerant Storage System And  
Method Using A Network Of  
Servers (as amended)**

Confirmation No.: 2443

Art Unit: 2114

Examiner: Bonura, Timothy M.

Atty. Docket: 2230.0070001/MBR/GSB (as  
amended)

## Information Disclosure Statement

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

APR 27 2004

Technology Center 2100

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document **AR1** cited on Form PTO 1449:

Document **AR1** is in the Russian language. An English language abstract of document **AR1** is attached as document **AS1**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR

before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
  - c. Attached is our PTO-2038 Credit Card Payment Form in the amount of **\$180.00** in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- 6. A concise explanation of the relevance of the non-English language document appears in document **AS1**.
- 7. Copies of the documents are submitted herewith.
- 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- 9. No copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because this application was filed after June 30, 2003.
- 10. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). \_\_\_\_\_ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



George S. Bardmesser  
Attorney for Applicants  
Registration No. 44,020

Date: April 22, 2004

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